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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/179,156	10/26/98	WATANABE	H FUJS-15.541

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TM02/0207

EXAMINER

MEHRPOUR, N

ART UNIT

PAPER NUMBER

2682

DATE MAILED:

02/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/179,156

Applicant(s)
Redeki Watanabe

Examiner
Naghmeh Mehrpour

Group Art Unit
2682



☒ Responsive to communication(s) filed on Nov 9, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-35 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-35 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-35**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Peterzell et al. (US Patent Number 5,722,063) in view of Sevic et al. (US Patent Number 6,069,525).

Regarding **Claims 1-3, 17, 34-35**, Peterzell teaches a radio receiver comprising plural communication system (See figure 7, numerals 710, 711), plural amplifiers (708, 709), and an control portion 740. Peterzell fails to teach that the control portion select an amplifier to be used according to the communication system of the received signal. However Sevic teaches an amplifier circuit comprising: plural amplifiers 104a-104n, a selection control portion 102 to select an amplifier to be used according to the radio communication system of the received signal (See figure 1 numerals 104a-104n, 102, Column 5 lines 37-44). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to provide above teaching of Sevic to Peterzell, in order to enable the user to select any of the dual system that she desires.

Regarding **Claims 4, 21, 31**, Peterzell teaches a radio receiver wherein the output selection portion is entered to the down converter IF mixer (705) (Column 6 lines 34-42). The amplifiers are each

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constructed as one adapted for intermediate frequency (IF) band which amplifies the radio signal of the IF band (See figure 7 numerals 708, 710, 709, 711).

Regarding **Claims 5, 8,10-11,14, 16,18-19, 23, 25, 28, 30, 33**, Peterzell teaches a radio receiver wherein the plural types of the radio communication system comprises a first communication system and a second communication system whose permissible noise signal levels differs from each other, the noise signal being caused to the received signal of itself due to that of the other radio communication systems which differs from the former (Column 3 lines 25-31). Peterzell fails to teach that the amplifiers being each set with a different bias current amount so as to each achieve an operating condition meeting the permissible noise signal level, and the bias current amount of the first amplifier is set greater than of the second amplifier. However Sevic teaches the amplifiers being each set with a different bias current amount so as to each achieve an operating condition meeting the permissible noise signal level, and the bias current amount of the first amplifier is set greater than of the second amplifier (See figures 2, 3, Column 5 lines 7-12, lines 37-42) . In Figure 3, Curve 302a is for FM system and 302b for CDMA system, curve 302a shows less current than curve 302B. Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to provide above teaching of Sevic to Peterzell, in, order to provide a system which works with different noise level.

Regarding **Claims 6, 12, 20, 26**, Peterzell teaches a radio receiver comprising plural communication systems. Peterzell detecting circuit fails to show that whether the first or second communication system will be used, wherein if the first communication system is detected the

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output of the distributing switch is switched to the first amplifiers, and if the second communication system is detected the output of the distributing switch is switched to the second amplifier side. However Sevic control circuit 102 is capable to detect that whether the first or second communication system will be used, wherein if the first communication system is detected the output of the distributing switch is switched to the first amplifiers, and if the second communication system is detected the output of the distributing switch is switched to the second amplifier, the control circuit determine whether a dual mode CDMA/AMPS mode of operation should be used (Column 4 lines 39-44, Column 6 lines 43-58). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to provide above teaching of Sevic to Peterzell, in order to provide a good quality dual system.

Regarding **Claims 7, 9, 13, 15, 22, 24, 27, 21, 32**, Peterzell teaches a radio receiver comprising plural communication systems, wherein the second communication system is an analog radio AMP communication system and the first communication system is digital CDMA (Column 5 lines 65-68, Column 6 lines 1-5).

Response to Arguments

3. Applicant's arguments filed on 11/09/00 have been fully considered but they are not persuasive.

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Applicant argues that'' he claimed a radio receiver which includes plural types of amplifiers each of which is dedicated to one corresponding mode of the plural radio communication modes, of which each amplifier a received signal according to the one corresponding radio communication mode. The step of selecting one of plural types of amplifiers, each of which is dedicated to one corresponding mode among the radio communication modes, according to the communication of a received signal. The subject matter of amended claims are not obvious over Peterzell and Sevic, taken individually or in combination."

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Sevic teaches an amplifier circuit comprising: plural amplifiers 104a-104n, a selection control portion 102 to select an amplifier to be used according to the radio communication system of the received signal (See figure 1 numerals 104a-104n, 102, Column 5 lines 37-44). Peterzell teaches a radio receiver comprising plural communication system (See figure 7, numerals 710, 711), plural amplifiers (708, 709), and an control portion 740. In, order to provide a system which works with different noise level.

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Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action. 10.

5. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308--6296, (for formal communications indented for entry)

Or:

(703) 308-6306, (for informal or draft communications, please label

“PROPOSED” or “DRAFT”)


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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, Va., sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

NM

Jan 30, 2001


VIVIAN CHANG
PRIMARY EXAMINER